

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
At Bluefield**

CONSOLIDATION COAL COMPANY,

Plaintiff,

v.

CIVIL ACTION NO. 1:07-CV-0558

BLUESTONE COAL CORPORATION,

Defendant.

JOINT NOTICE OF SETTLEMENT

The parties, by their counsel, hereby jointly notify the Court that a settlement of this litigation has been reached. Appropriate documentation reflecting the settlement will be submitted to the Court within thirty (30) days of this Notice.

Respectfully submitted this 21st day of August 2009.

/s/ Steven P. McGowan

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CERTIFICATE OF SERVICE

I certify that I have, this 21st day of August 2009, electronically filed “**JOINT NOTICE OF SETTLEMENT**” with the Clerk of this Court using the CM/ECF system, which will send notification of such filing to the following:

Lawrence E. Morhous
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/s/Steven P. McGowan